Here are helper suggestions to round out a Merry Christmas feast. Table raisins, figs, assorted nuts, citron, lemon and orange peel, sweet pickled peaches and pears, jellies and preserves, sweet cider, boiled cider, olives, pimoles, plum puddings, mince-meant, bon bons. Gruenhagen's candies and glazed fruits in 1-2, 1 and 2 lb. packages. Brandied fruits, oranges, apples,

cauliflower and celery. Don't forget a green Christmas

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en today with a full line of

Some and see the Candy Made.

It Is That the Majority Would Not Permit Inquiry.

Passing the responsibility of failure as alleged to investigate fully the teen members was the tenor of the report of the minority of six members' of the Federal Grand Jury presented to Judge Dole yesterday morning. So far as the refusal of the District Attorney to call witnesses was concerned, the minority contented Itself with reciting the facts of such refusal. There is a sarcastic reference to the ante-election profession of the Territorial administration that it desired a fair and By implication alleging that the election was not fairly conducted the minority concludes with a recommendation to Congress in behalf of amending the election laws of the Territory so

ritory of Hawaii:

Sir-A minority of the Grand Jury that were not done. impanelled and sworn and charged by you on the 12th day of December, A. D. 1904, begs to submit herewith the following report:

deliberations, and were not investi-, the charity of her relatives at Pomona, following are found:

the late election throughout the en- now owes her \$565 thereunder.

he replied as follows:

fore a Federal Grand Jury." I decline recently been released. to receive any dictation as to what Praying that the libel in divorce may persons shall be brought before the be dismissed Mrs. Hurtt asks that, failing witnesses I shall be guided by my the \$565 due under the Pomona agreeown judgment or the directions of the ment. Grand Jury itself. In declining to subpoena witnesses in accordance with your dictation I do so for the reason that I know nothing whatever of what such witnesses might testily to. Any

Mr. Iaukea replied to Mr. Breckons: "It is not in any way suggestive. I hand you this list, so that you can use it at your own discretion."

lots cast throughout the Territory one hundred thousand dollars, were numbered, so that the identity of the voter of each ballot so cast This was due in the main to the neglect, and in some cases the refusal of inspectors to remove from the balot its number before placing it in the

It is claimed that this failure to insure the secrecy of the ballot specifically provided for by law, on the part ally provided for by law, on the part of those to whom the enforcement of the law was intrusted, came about not through design but through the stupidity and ignorance of the inspectors. It is unfortunate in this connection that the failure to carry out the law resulted to the advantage of those to whom the enforcement of this law was intrusted, to wit, the party in power. It would be extremely unfortunate for the good name of this Territory if the law Kajkajnahaole et al. which will department. Ochiai is cousin of his ward.

J. H. Craig, executor of the estate of Constant Sterling, has filed his bond in \$2500, with F. J. Lowrey and E. O. White as sureties.

COURT NOTES.

Notice of motion to set cause for trial has been given by plaintiff in the ejectment suit of J. O. Carter vs. Kouther of the Judiciary department of the Judiciary department. Ochiai is cousin of his ward.

J. H. Craig, executor of the estate of Constant Sterling, has filed his bond in \$2500, with F. J. Lowrey and E. O. White as sureties.

COURT NOTES.

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It would be extremely unfortunate for the good name of this Territory if the law Kajkajnahaole et al. which will from the body. the good name of this Territory if the lau Kaikainahaole et al., which will failure to procure the secrecy of the be presented before Judge Robinson on ballot should have come about through Monday. Kinney, Mclanahan & Coopthe the hands of the very administration er for plaintiff; C. W. Ashford, H. E. which was seeking to enforce a Highton and J. J. Dunne for defendstraight party vote from every one re- ants.

also to determine fully what steps the day prevented the hearing yestershould be taken to prevent a repeti- day. The Miller Candy Co. tion of this evil. But the majority of Judgment for defendant in the eject-the Grand Jury have declined to make ment case of Blanche Lewis vs. Ioela tion of this evil. But the majority of Judgment for defendant in the eject-

yet upon which we could determine whether the wholesale deprivation of the voters of this Territory, of their lawful right to a secret vote, was through design or inadvertence, nor will our investigations justify any specific recommendations as to the cure: but in any event we believe, the Territorial Government is responsible for non-enforcement of the law. How deep this neglect has been, and whether criminal or not, as to any particular official or officials, we are not prepared to say, but we believe the Ter- Konohiki Vested Rights ritorial Government had it in its power by vigilance and proper precautions to have secured a far better enforcement of the election laws than was secured to the voter this past election; and we recommend to the consideration of Congress, which has the control of our election laws in its hand; that the defects in the law which can permit such eral election up to the majority of six- as to make it impossible that there should be a repetition of the unsatisfactory methods in vogue this last elec-

All of which is respectfully sub-(Signed) S. M. Damon, John Effinger H. McCorriston, H. A. Wilder, J. S. Spitzer, J. W. McDonald.

THE COURT'S DISMISSION.

Judge Dole thanked the grand jurors, on behalf of the public, for their faithful and cheerful attention to the mat- lou & Marx for the respondent. legal election, followed by the expres- matter handled by them had been one & Land Co. have not the vested rights sion of a conviction that the efforts to of peculiar delicacy and the fact that excepted from the abolition of private secure that end were but indifferent. he work and without the secure that end were but indifferent. tion was something to be appreciated. Fukunaga goes free, but because the as was also the evident frankness of vested rights do not include the right the reports of both majority and min- of a fishing owner to prosecute a tres-Judge Dole proceeded, that the elecority. It was absolutely necessary, that no loophole for irregularities shall tion laws be kept inviolate. It would opinion puts it: "Section 1460 of the order; a bargain, \$75; easy payments, be left. Following is the minority re- be hopeless to attempt to obtain the Penal Laws in so far as it provides will of the people if the ballot were a penalty for wilfully depriving a kono-Honorable Sanford B. Dole, Judge of not kept free and secret, and the hiki of his fishing rights by appropria-United States District Court, Ter- rights of the people would be prejudiced in a most essential feature if ting the tabued fish of said konohiki, or

> SHE WAS DRIVEN INSANE Henry E. Highton, has filed an answer We dissent from the report of the to the libel for divorce brought by her najority of this Grand Jury as we be- husband, Alba M. Hurtt. She denes in properly brought out would have se- Honolulu under the compulsion of the cured a conviction for offenses against libellant, on or about September 30, 1902, the election laws of the United States, and for a long time previously, she de-Other alleged violations of Federal \$150 a month, while ever since the date laws besides those testified to by the mentioned she and their son, George Cal., who are all themselves poor.

in the opinion of the minority would band and herself at Pomona on Janu- ple. undoubtedly expose numerous other ary 23, 1903, whereby they agreed to by statute is repealed any penalty pro-The names of twenty-seven witnesses a state of separation. Hurtt en- are necessary."

besides those summoned were presented gaged to pay his wife \$25 a "Making the sea fisheries free is into the jury and evidence was given as month thereafter as a permanent consistent with maintaining an act to to what they would testify to, show- allowance. She declares that he punish a trespass upon such fisheries ing conclusively the corrupt and fraud- has only paid her \$10 since that agree- criminally. All rights of fishery, howulent methods adopted with respect to ment was executed and claims that he ever, were not destroyed by the repeal-

When Colonel C. P. Iaukea, the de- band refuses to pay the maintenance private rights of exclusive fishery in fested candidate for delegate to Con- agreed upon is a claim he makes that gress, applied to the United States Dis- part of the consideration of the agree- time of the passage of the organic act trict Attorney with a list of witnesses; ment was that she, within one year, were not affected by the passage of that would institute divorce proceedings act, and continue as rights of property Mr. Breckons to Mr. Iaukea-Up to against him. According to her infor- notwithstanding the repealing words of the present time nobody has laid he- mation such a bargain would have been section 95. This was settled by Damon fore me, as District Attorney, any com- illegal if made and she denles that it vs. Hawaii, 194 U. S. 154. Such rights plaint of any violation of the Federal ever was made. So much did she suf- will remain rights of property until ure of mortgage, property of H. M. Dow laws relative to the recent election, fer, from his violation of the contract they may be destroyed by condemnation Esq., on Prospect street, Punchbowl. You now hand me a list headed "Wit- that she was confined in an asylum for and the payment of value. Whether Fine view; valuable land. nesses who should be subpoenzed be- the insane, from which she has but the waters in which they exist are nav-

INSURANCE COMPANY LOSES. After a trial without a jury yesterplaintiff, Robertson & Wilder for de- land." fendant.

NEW BISHOP ESTATE TRUSTEE Mr. Breckons replied: "I reply that E. Faxon Bishop's election as a trusshall lay before the Grand Jury what tee of the estate of Bernice Pauahi has happened relative to subpoening Bishop, in place of W. F. Allen, who that the voting this last election was take effect upon the new trustee's substantially not secret. Probably a filing a joint and several bond of himmajority of the total number of bal- self and his co-trustees in the sum of

PROBATE MATTERS.

could be conclusively established. Ochiai as guardian of the estate of Mine Sakuragawa, a minor, living with her mother in Tokio, Japan, under \$700 bond. The estate consists of the distributive share of the minor in her ally cure himself without the knowledge of a late father's estate, the amount being \$672.90, which is in the hands of French Remedy, THERAPION, a complete Henry Smith clerk of the Judiciary Henry Smith, clerk of the Judiciary ment of medical science, whilst thousands have

ceiving employment from the Govern- It was stipulated on Thursday that Is sold by principal Chemists throughout the the suit of James E. Fullerton vs. We believe that further investiga. Kohala and Hilo Railway, assump-it tion should be had not only on the on promissory note, might be hear! in through design or inadvertence, but order. An insurance case on most of forgery,

any further investigation, and the K. Kahinu, with costs against plain-Fresh Home Made Candies across the minority are helpless to enforce it. tiff, was rendered yesterday by Judge bireet from the restaurant, Hotel street. Perhaps further investigation may be De Bolt pursuant to oral decision futile, but we believe it should be made November 22. Defendant's till Corner of Queen and Coral streets, made. There is no evidence before us of costs was cut down from \$28 to \$12. opposite Magoon block.

NOT PENAL

Have Civil Law Protection.

By unanimous opinion the Supreme wholesale disregard of vital features Court grants the discharge of Fukunacharges of fraud in the recent gen- of our election laws, be remedied so ga on a writ of habeas corpus from the penalty imposed by District Magistrate Hookano of Ewa for trespassing on the fishing rights of Oahu Railway and Land Co. in Pearl harbor. The matter went up on appeal from Circuit Judge De Bolt, who had dismissed the writ. Justice Hatch is the author of the opinion, Justice Hartwell and Judge Robinson signing it with him. George A. Davis appeared for the petitioner, Bal-

ters submitted to them. The subject | It is not because the Oahu Railway harmony and without apparent fric- sea fisheries by the organic act that otherwise, held repealed by section 95 of the organic act, and that petitioner being convicted under said section 1460 Mabel Scott Hurtt, by her attorney, was entitled to discharge on habeas

When Fukunaga was arrested a lieve sufficient evidence has been pro- detail his allegations of cruelty on her large number of his fellow countrymen, duced for this Grand Jury, which, if part. Ever since her departure from Japanese, were arrested also. He, being the boss, was fined \$50 and costs, in default of payment of which he went viz: Sections 5408, 5403 and 5508 of clares, the libellant has been employed to prison at hard labor, but the others the Revised Statutes, if taken before as yardmaster of the Honolulu depot were fined only \$1 and costs each, and of the O. R. & L. Co. at a salary of did not fight their cases further. They were illegally fined all the same, as this witnesses present came to the knowl- Melton Hurtt, now nearly four years of decision shows. Among the remarks edge of this jury in the course of their age, have been destitute and living on made in the body of the decision the

"The intent of Congress is clear to There was an absolute refusal on the Mrs. Hurtt appends to her answer, destroy, so fan as it is in its power to part of the majority of this Grand Jury with references to it therein, the copy do so, all private rights of fishery, and to further pursue investigations which of an agreement made between her hus- to throw open the fisheries to the peofrauds and violations of the law punish- condone all previous grounds of mutual vided for the violation of such right recrimination and thereafter live in falls also. No express words of repeal

ing act. That act was inoperative as Mrs. Hurtt says the reason her hus- far as vested rights are concerned. Such the sea as were vested rights at the igable or not is of no consequence."

The court says a vested right cannot be claimer hat portion of the penal Grand Jury to prove violations of Fed- ing such relief, the proceedings may laws under which Fukunaga was coneral laws. In the matter of subpoence- be stayed until her husband has paid victed. "It gave the right to proceed criminally against one for depriving a konohiki (land owner) of his fishing rights. The law is well settled that there can be no vested right in a remeday, Judge De Bolt decided the suit Congress to withdraw the original remof Lee Ahlo vs. Royal Insurance Co. edy. The right of action is not lost. dy. It was fully within the power of in favor of the plaintiff for \$2000 and There remains the same right of civil Postoffice and business district, is well further communication with me on the interest at 6 per cent per annum from action for trespass upon a fishery as kept and buildings are new and in March 14, 1900. Castle & Withington for exists in the case of a trespass upon

COLDS are quickly cured by Chamberlain's Cough Remedy. It acts on nature's plan loosens the cough, rewitnesses. That is all I have to say," resigned on Nov. 25 last, was yester- lieves the lungs and opens the secre-It is a matter of common knowledge day confirmed by Judge Robinson, to tions, effecting a permanent cure. It counteracts any tendency of a cold to result in pneumonia. For sale by all dealers. Benson, Smith & Co., Ltd., agents for Hawaii.

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THERAPION

dering, state which of the three numbers required, and observe that the word "Therapion" vital point, whether the neglect to Se- vacation and set for trial yesterday or cure the secrecy of the ballot was as soon thereafter as the judge might through design or inadvertence but order. As incurrence as the judge might

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